

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has objected to the Abstract of the Disclosure. The Abstract has been amended and is now attached in amended form.

The Examiner has objected to Claims 1-16. In addition, the Examiner has rejected claims 2, 6, 8-9, 11, 13 and 15 under 35 U.S.C. §112, second paragraph. The applicant respectfully disagrees with this rejection but has however amended claims 1, 3, 5-11, 14 and 15 and believes that these claims are now written to overcome the above objections and rejections.

Claim 1 is rejected under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 3748910 (*Hofmann*).

Claim 1 has been amended as described above. In addition, it is respectfully submitted that claim 1 as written is not anticipated by *Hoffman*.

For Example, *Hoffman* does not disclose a clamping device which is designed for clamping the vehicle wheel at a radial outer wheel periphery and which has at least two mutually opposing first and second jaws designed for pressing against the outer wheel periphery. Instead, *Hoffman* discloses a means for mounting a motor vehicle horizontally for rotation about the vertical, longitudinal axis of the wheel at a predetermined speed, as disclosed in column 4 lines 14-17. Thus, according to *Hoffman*, the wheel is mounted on a rotary shaft and is not held by a clamping device. The tire compression device as disclosed in *Hoffman* may have been regarded as a tire clamping device by the Examiner, however this tire clamping device is not designed to clamp the vehicle wheel at a "radial outer wheel periphery" as claimed in claim 1.

In addition, *Hoffman* does not disclose jaws that are rotatably mounted around a clamping axis. Instead, levers 8 and 20 may be regarded as mutually opposing jaws for pressing against opposite side surfaces. However, they are not designed for

pressing against the outer wheel periphery as claimed in amended claim 1.

Furthermore *Hoffman* does not disclose the following:

"(ii) a drive wherein at least one thereof of said jaws
~~being rotatable~~ is rotatably drivable around the clamping axis
and movable ~~to and fro~~ back and forth in ~~the~~ a direction of the
clamping axis by means of ~~a said drive; drive,~~ "

In addition, *Hoffman* does not disclose a drive wherein the jaw s are rotatably mounted around a clamping axis. Furthermore, *Hoffman* does not disclose a clamping device that can be moved into a tilted position wherein the clamping axis is inclined in an angle of at least 30 degrees from horizontal as claimed in claim 1.

Instead, the inserting device of *Hoffman* including a tire compression device, is aligned in a substantially vertical position with the clamping axis extending substantially vertical. The device is fixed to the upper horizontal surface of the balancing apparatus and there is no indication that the inserting device or the tire compression device can be tilted in any direction.

The Examiner has rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by *Rogalla et al.* It is respectfully submitted that the present invention as claimed in now amended claim 1 is patentable over the above cited reference. For example, the present invention has the following features not shown in *Rogalla et al.*:

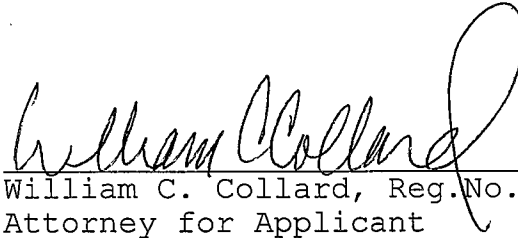
- 1) a clamping device for holding a clamping wheel on an outer periphery;
- 2) a conveyor device as claimed in claim 1 or 11; and
- 3) a tilting device that moves the vehicle wheel out of a basic position into an inclined position at an angle of at least 30 degrees.

Therefore, for these reasons, *Rogalla et al.* does not anticipate the subject matter of claim 1. It is respectfully submitted that claim 1 is now patentable over the above cited references taken either singly or in combination. In addition, since claim 11 depends from claim 1 it is respectfully submitted that this claim is patentable over the above cited references as well.

Independent claims 17-22 have also been added. Each of these independent claims include the elements of former claim 1. However, claim 17 includes the elements of former claim 1 and claim 17, claim 18 includes the elements of claim 1 and former claim 4, Claim 19 includes the elements of former claim 1 and former claim 10, claim 20 includes the elements of former claim 1 and claim 12, claim 21 includes the elements of former claim 1 and claim 13 and claim 22 includes the elements of former claim 1 and former claim 16. No new matter has been added. In addition because claim 3 depends from allowable claim 17, claims 5-9 depend from allowable claim 18, and claims 14 and 15 depend from allowable claim 20 it is respectfully submitted that these claims are allowable as well.

In summary, claims 1, 3, 5-11, and 14-15 and the Abstract of the Disclosure have been amended, claims 2, 4, 12-13 and 16 have been canceled, and new claims 17-22 have been added. No new matter has been added. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, reading "William C. Collard". The signature is fluid and cursive, with a large loop at the end of the last name.

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